

Response

Claims 1, 3-5, 7-23, 25-26, 28-29 and 31 are currently pending. For the following reasons, Applicants submit the presently pending claims are allowable in view of the prior art of record. Applicants respectfully request passage of these pending claims to issuance.

Amendments

Applicants amend claims 1, 5, 23, 26 and 29 to recite limitations previously recited in claims 2, 6, 24, 27 and 30, respectively, thereby not adding any new matter beyond the specification as originally filed. Claims 2, 6, 24, 27 and 30 have been cancelled without prejudice. Claims 3-4, 25 and 28 have been amended to update pendency in view of the cancellation of claims 2, 24 and 27, respectively.

Objection to the Specification

On page 2 of the Office Action, the Examiner notes various informalities. As indicated in the Amendments to the Specification portion of this Amendment, Applicants have updated the specification to correct these informalities. Therefore, Applicants request withdrawal of these objections.

Objection to the Drawings

On page 2 of the Office Action, the Examiner objects to the drawings as failing to comply with 37 C.F.R. §1.84(p)(4). Applicants respectfully disagree because 37 C.F.R. §1.84(p)(4) expressly relates to a similar element “appearing in more than one view of the drawing must always be designated by the same reference character.” (emphasis added).

Figs. 1, 5 and 9 do not illustrate different views of the same drawing, but rather illustrate various embodiments of a trade processing system. The Examiner indicates confusion regarding the elements 116, 506 and 906 having the similar the similar nomenclature of a “trade database.” But as described in the specification, the trade database 116 operates with the trade program 112 and purchase order agreement amendment program 114, the trade database 506 operates with the trade program 502 and the credit monitoring program 504, and the trade database 906 operates with the trade program 902 and the seller financing program 904.

The Examiner correctly notes an informality within the specification, specifically at page 35, lines 4-7, where trade database 506 is improperly references as trade database 116. Therefore, this informality has been corrected in the Amendments to the Specification.

Otherwise, Applicants submit that the figures properly identify the three trade databases, which are not necessarily the same element and are therefore properly identified by separate and distinct numbering tags. Applicants therefore request withdrawal of this objection.

Rejection of claims under 35 U.S.C. §102(b)

Claims 1-10 and 20-31 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,717,989 issued to Tozzoli et al. (hereinafter referred to as “Tozzoli”). This rejection is improper because Tozzoli fails to identically disclose each and every claimed limitation of claims 1-10 and 20-31.

To anticipate a claim under 35 U.S.C. §102(b), a single prior art reference must identically disclose each and every claim feature. See Lindeman Maschinenfabrik v. American Hoist and Derrick, 730 F.2d 1452, 1458 (Fed. Cir. 1984). If any claim feature is absent from a prior art reference, it cannot anticipate the claim. See Rowe v. Dror, 112 F.3d 473, 478 (Fed. Cir. 1997).

As indicated on Page 1, lines 8-11, the present Application relates to and incorporates, by reference, Tozzoli, where Tozzoli describes the trade system upon which the present application improves. As described in the specification, Tozzoli describes an electronic trading system that allows for various parties to negotiate and execute various commercial or other transactions. The Tozzoli system overcomes previous system shortcomings by removing the onerous complications relating to letters of credit.

The present invention, as disclosed and claimed herein, improves upon the Tozzoli system by including the additional step, among other steps, of credit evaluation. Independent claims 1, 5, 23, 26 and 29 recite, *inter alia*, “evaluating the buyer’s cumulative credit exposure at at least one particular time, based upon buyer transaction activity information stored within the system, including evaluating the buyer’s cumulative credit exposure anticipated to exist over a period of time.”

In the present Office Action, the Examiner cites numerous passages from Tozzoli as disclosing the step of evaluating the buyer’s credit exposure. For example, the passages on col. 4 (lines 50-62) and col. 6 (lines 37-44) generally describe the electronic trading system including basic and fundamental techniques for electronically negotiating and executing a purchase order agreement. The passage on col. 6 describes a “risk evaluation function,” which includes examining various account parameters or criteria, such as outstanding purchase orders. This passage does not identically disclose “evaluating the buyer’s

cumulative credit exposure,” but rather states that purchase order terms can be compared against established parameters.

The passages on col. 10 describe the trading system tracking purchase order information and the “account summary report” providing a snapshot of credit information, i.e. credit limit, amount due, amount pending, etc. The display of the credit information does not identically disclose “evaluating” the credit exposure because this does not include any evaluation. Rather, these passages merely illustrate that this information may be illustrated to a user.

The Examiner also cites to the extended passage from col. 11, line 52 to col. 12, line 21. This passage describes preset parameters that may be established and used to filter purchase information, such as a pre-set spending limit for a particular country. This passage does not identically disclose the evaluation of “cumulative credit exposure,” but rather explicitly discloses a single transaction credit comparison of a \$40,000 order compared relative to a \$35,000 credit limit for the country of Mexico. This snapshot examination does not include cumulative credit exposure.

Although, even as Applicants submit that Tozzoli fails to identically disclose the claimed invention of claims 1, 5, 23, 26 and 29, Applicants herein amend these claims to further advance the prosecution of the present application. More specifically, claims 1, 5, 23, 26 and 29 have been amended to further recite the step of evaluating includes “evaluating the buyer’s cumulative credit exposure anticipated to exist over a period of time.”

On page 8 of the present Office Action, the Examiner cites the same four passages cited with respect to claims 1, 5, 23, 26 and 29. As noted above, the Examiner-cited passages describe, at best, a display or parameter comparison of credit information at a snapshot in time. As described in the present application, the improved trade system includes various additional levels of functionality based on the breadth of accessible data. For example, page 37, line 12 – page 38, line 2 describes the improved functionality relating to evaluating the credit exposure anticipated to exist over a period of time. In contrast, the Tozzoli system discloses the snapshot of credit information based on various contracts having varying statuses. Therefore, Tozzoli additionally does not identically disclose evaluating the credit exposure anticipated to exist over a period of time, as claimed herein.

Regarding claims 3-4, 7-10, 20-22, 25, 28 and 31, Applicants submit these claims recite further patentable subject matter in view independent claims 1, 5, 23, 26 and 29, respectively. Therefore, for at least the same reasons as noted above regarding Independent

claims 1, 5, 23, 26 and 29, claims 3-4, 7-10, 20-22, 25, 28 and 31 are patentable as not being anticipated by Tozzoli.

Rejection of claims under 35 U.S.C. §103(a)

Claims 11-19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Tozzoli. Claims 11-19 depend, either directly or indirectly, from claim 10 which further depends from claims 9, 8 and claim 5. Claims 11-19 recited further patentable subject matter in view of claims 5 and 8-10. Therefore, for at least the same reasons as noted above regarding claims 5 and 8-10, Tozzoli fails to teach or suggest all of the recited limitations of claims 11-19.

CONCLUSION

In light of the foregoing, Applicants respectfully submit that all of the pending claims 1, 3-5, 7-23, 25-26, 28-29 and 31 are in condition for allowance. It is therefore respectfully requested that the rejections be withdrawn. Prompt reconsideration and allowance of the present application are therefore respectfully requested.

Respectfully submitted,

KENYON & KENYON LLP

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By: 

Timothy J. Bechen
Reg. No. 48,126

KENYON & KENYON LLP
One Broadway
New York, New York 10004
(212)425-7200
CUSTOMER NO. 26646